

Whistleblowers Protection Policy

Purpose:

The Michigan Legislature enacted the “The Whistleblowers Protection Act” in 1980 (i.e. Michigan Act 469). The law is designed to provide protection to employees who report a violation or suspected violation of state, local, or federal law; to provide protection to employees who participate in hearings, investigations, legislative inquiries, or court actions; and to prescribe remedies and penalties.

The policy of Siena Heights University is consistent with the Act 469. The following is the policy established by the University to comply with the act.

Definitions:

1. **Employees:** are all temporary, part-time, student, full-time faculty and staff of the University.
2. **Whistle Blower:** a person who reports a violation or suspected violation of state, local, or federal law and who communicates, in good faith, or testifies to, the violation, verbally or in writing, to one of the employee's supervisors, to an agent of the employer or to an appropriate authority, provided that the communication is made prior to any adverse action by the employer.
3. **Adverse Action:** to discharge, threaten, or otherwise discriminate or retaliate against an employee in any manner that affects the employee's employment, including compensation, job location, rights, immunities, promotions, or privileges.
4. **Good Faith:** is lacking when the employee does not have personal first hand knowledge of the violation, or when the employee knew or reasonably should have known that the report is malicious, false, or frivolous.
5. **Communicate:** to provide a verbal or written report to an appropriate authority.
6. **Wrongful Conduct:** Wrongful conduct is defined as:
 - a) A serious violation of University Policy or Code of Conduct
 - b) A violation of applicable state and federal laws and/or
 - c) The use of University property, resources, or authority for personal gain or other non University-related purposes except as provided under University policy.

Policy:

It is the policy of Siena Heights University that an employee will be protected from discharge, threats, or otherwise discrimination against the employee's compensation, terms, conditions, location, or privileges of employment because the employee, or a person acting on behalf of the employee, reports or is about to report, verbally or in writing, a violation or a suspected violation of a law or regulation or rule promulgated pursuant to the policies of the University, law of this state, or the United States to a public body, unless the employee knows that the report is false, or because an employee is requested by a public body to participate in an investigation, hearing, or inquiry held by that public body, or a court action.

The University has developed numerous policies and procedures for enforcing standards of conduct and behavior. Additionally, University employees are expected to abide by applicable state and federal laws. Furthermore, an employee cannot be compelled by a supervisor or University official to violate a University policy, an applicable law, or public policy. In the interest of the University, an employee who has particular knowledge of specific acts which he or she reasonably believes constitute wrongful conduct should disclose the conduct to the Associate Vice President for Human Resources or the University's Chief Public Safety Officer. No adverse action will be taken against an employee in the following situations:

1. If an employee alleges a violation of the Act and does so "in good faith;"
2. If an employee alleges a violation under the Act, and does so "in good faith", and participates or gives information in an investigation, hearing, court proceeding, legislative or other inquiry, or in any form of administrative review; and/or
3. If an employee alleges a violation under the Act, and does so "in good faith," and has objected to or refused to carry out a directive that the employee reasonably believes violates a law, rule or regulation adopted under the authority of the state.

Procedures:

In matters relating to wrongful conduct as defined in the section above, mismanagement of University resources, or an abuse of authority which is not covered by specific University policy, the University's Associate Vice President for Human Resources or Chief Public Safety Officer are designated to receive such disclosures and conduct or coordinate follow-up which may include an investigation of the disclosure.

The report by the employee of wrongful conduct must be made prior to any adverse action by the University. Additionally, the report is to be made at a time and in a manner which gives the University reasonable notice of the need to correct the violation. An employee who alleges a violation, and believes that the University has acted adversely towards him or her because of the allegations may utilize the employee grievance procedures contained in the employee handbook.

Laws and University policies impose privacy and confidentiality restraints on reporting the results of such a review or investigation. Within the constraints of these laws and policies, the University's Associate Vice President for Human Resources or Chief Public Safety Officer will acknowledge, and as appropriate and permissible by law and policy, provide confirmation of the status and outcome of the review. It should be noted that a disclosure warranting an investigation is not the same as making a complaint of reprisal (adverse employment action or situation). In matters of disclosure, the University will make all reasonable efforts to maintain the identity of the employee making the disclosure confidential, as long as maintaining confidentiality does not interfere with conducting an investigation of the specific allegations or taking corrective action.

The Associate Vice President for Human Resources or the Chief Public Safety Officer or other designated investigator that is appointed by the President will report findings and recommendations to the President or senior management official concerning whether

retaliation occurred, and if so, what the appropriate remedy or remedies will be. The decision of the senior management official will be final.

This policy shall not be construed to require the University to compensate an employee for participation in an investigation, hearing or inquiry held by a public body in accordance with the Michigan Whistleblowers Act.

Nothing in this policy is intended to interfere with legitimate employment decisions of the University and such allows the University the authority to enforce policies and corrective action as necessary for issues such as employee misconduct, poor job performance, or a reduction in workforce unrelated to reports made within the structure of this policy.